

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DANIEL JAY PEREZ,

Plaintiff,

v.

CHERYL STRANGE et al.,

Defendants.

Case No. C23-05008-JHC-SKV

ORDER TO SHOW CAUSE AND  
DENYING MOTION FOR PERSONAL  
SERVICE AS MOOT

This is a civil rights action proceeding under 42 U.S.C. § 1983. Plaintiff Daniel Jay Perez proceeds *pro se* and *in forma pauperis* in this case. See Dkt. 6. On February 9, 2023, the Court issued an order directing service by e-mail of Plaintiff's amended complaint on eighteen named Defendants. Dkt. 8. Included with the service materials were requests that each Defendant waive service of summons in this action. *Id.*

On March 13, 2023, the Court received waivers of service from thirteen Defendants: Dantavian Eleam, Karie Rainer, Monte Walker, Lisa Anderson, Keith Schafer, Michael Clayton, Howard Madison, Tanner Feemster, Charles Gray, Amy Hamilton, Tanya Browne, Susan Warner, and Cheryl Strange. Dkts. 10-22. Counsel entered a notice of appearance on behalf of these thirteen Defendants, as well as Defendant Larry Conner. Dkt. 9. On March 15, 2023, Plaintiff

1 filed a motion requesting that the Court issue an order directing personal service on Defendants  
2 Christina Kalumbi, Traci Drake, Jack Warner, and Kari Styles. Dkt. 23. Plaintiff indicated that  
3 he had already received waivers of service from the other fourteen Defendants. *Id.* The Court  
4 received waivers of service from Defendants Drake and Warner on March 16, 2023, and from  
5 Defendants Styles and Kalumbi on March 22, 2023. Dkts. 24-27.

6 The Court has not received a service waiver from Defendant Conner and, because the  
7 service materials directed to him were not returned to the Court, the Court presumes he received  
8 them. The fact that Defendant Conner is identified in counsel's notice of appearance suggests  
9 that he is aware of and intends to participate in this lawsuit, and that the failure to return the  
10 service waiver is a mere oversight. It is also conceivable, however, that Defendant Conner has  
11 not received any notice of this lawsuit and that counsel's notice of appearance was over-  
12 inclusive. The status of Defendant Conner must be clarified so that additional steps can be taken  
13 to effectuate service on this Defendant, if necessary.

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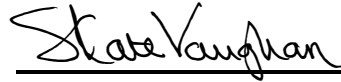
1 Based on the foregoing, the Court hereby ORDERS as follows:

2 (1) Defendant Larry Conner shall SHOW CAUSE within *twenty-one (21) days* why  
3 the Court should not direct that he be personally served and why the cost of such personal  
4 service should not be assessed pursuant to Rule 4(d)(2) of the Federal Rules of Civil Procedure.

5 (2) Because the Court has received waivers of service from Defendants Kalumbi,  
6 Drake, Warner, and Styles, Plaintiff's motion requesting personal service on these Defendants is  
7 DENIED as moot.

8 (3) The Clerk is directed to send copies of this order to the parties and to the  
9 Honorable John H. Chun.

10 Dated this 28th day of March, 2023.

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13 S. KATE VAUGHAN  
14 United States Magistrate Judge  
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